

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

BROADCAST MUSIC, INC.; SONGS OF  
UNIVERSAL, INC.; BENNY BIRD  
COMPANY, INC.; SHIRLEY EIKHARD USA  
MUSIC; EMI BLACKWOOD MUSIC, INC.;  
SCREEN GEMS-EMI MUSIC, INC.;  
BEECHWOOD MUSIC CORPORATION;  
STONE DIAMOND MUSIC CORP.;  
CAREERS-BMG MUSIC PUBLISHING, INC.;  
MOEBETOBLAME MUSIC,

Plaintiffs,

v.

LET THE GOOD TIMES ROLL, LLC d/b/a  
DUGOUT SOUTH; ROBERT RENAUD,  
individually; and MICHAEL GOLDING,  
individually,

Defendants.

Case No. 15-cv-3213

**COMPLAINT**

Plaintiffs, by their undersigned attorneys, for their Complaint against Defendants Let The Good Times Roll, LLC d/b/a Dugout South, Robert Renaud, and Michael Golding (collectively, “Defendants”), allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

**JURISDICTION AND VENUE**

1. This is an action for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

### **THE PARTIES**

3. Plaintiff Broadcast Music, Inc. (“BMI”), is a corporation organized and existing under the laws of the state of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions that are the subject of this action. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Songs of Universal, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Benny Bird Company, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Shirley Eikhard USA Music is a sole proprietorship owned by Shirley Rose Eikhard. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff EMI Blackwood Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Screen Gems-EMI Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Beechwood Music Corporation is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Stone Diamond Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Careers-BMG Music Publishing, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Moebetoblame Music is a partnership owned by Michael Balzary, John Anthony Frusciante, Anthony Kiedis, and Chad Gaylord Smith. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Defendant Let The Good Times Roll, LLC is a is a limited liability company, organized and existing under the laws of the state of New York, that operates, maintains, and controls an establishment known as Dugout South located at 4029 Hylan Blvd., Staten Isand, NY, 10308 (the “Establishment”), in this district.

15. In connection with the operation of the Establishment, Defendant Let The Good Times Roll, LLC publicly performs musical compositions and/or causes musical compositions to be publicly performed.

16. Defendant Let The Good Times Roll, LLC has a direct financial interest in the Establishment.

17. Defendant Robert Renaud is a principal of Let the Good Times Roll, LLC with primary responsibility for the operation and management of that limited liability company and the Establishment.

18. Defendant Robert Renaud the right and ability to supervise the activities of Defendant Let The Good Times, Roll, LLC and a direct financial interest in that limited liability company and the Establishment.

19. Defendant Michael Golding is a principal of Let The Good Times Roll, LLC with primary responsibility for the operation and management of that limited liability company and the Establishment.

20. Defendant Michael Golding the right and ability to supervise the activities of Defendant Let The Good Times, Roll, LLC and a direct financial interest in that limited liability company and the Establishment.

### **CLAIMS OF COPYRIGHT INFRINGEMENT**

21. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 20.

22. Plaintiffs allege nine (9) claims of willful copyright infringement based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

23. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the nine (9) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

24. For each musical composition identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

25. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

26. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

27. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

28. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;

(II) Defendants be ordered to pay statutory damages pursuant to 17 U.S.C. § 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. § 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: June 3, 2015  
New York, New York

**GIBBONS P.C.**

By: /s/ J. Brugh Lower  
Mark S. Sidoti  
J. Brugh Lower  
One Pennsylvania Plaza, 37th Floor  
New York, New York 10119-3701  
Tel: 973-596-4581  
Fax: 973-639-6292  
msidoti@gibbonslaw.com  
jlower@gibbonslaw.com

*Attorneys for Plaintiffs*

## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	And I Love You So
Line 3	Writer(s)	Don McLean
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; Benny Bird Company, Inc.
Line 5	Date(s) of Registration	all REs 1/2/01 Eps 313149-151 all 6/8/73 5/4/73            8/20/70
Line 6	Registration No(s).	RE 835-124, RE 835-125, RE 835-179 Ep 313149, Ep 313150, Ep 313151 Ep 311666    Eu 201220
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---

Line 1	Claim No.	2
Line 2	Musical Composition	Something To Talk About AKA Let's Give Them Something To Talk About
Line 3	Writer(s)	Shirley Eikhard
Line 4	Publisher Plaintiff(s)	Shirley Rose Eikhard, an individual d/b/a Shirley Eikhard USA Music; EMI Blackwood Music Inc.
Line 5	Date(s) of Registration	3/17/88
Line 6	Registration No(s).	PAu 1-069-584
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---

Line 1	Claim No.	3
Line 2	Musical Composition	Strangers In The Night
Line 3	Writer(s)	Bert Kaempfert; Charles Singleton; Eddie Snyder
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	4/14/66 6/1/66
Line 6	Registration No(s).	Eu 930986 Ep 217595
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---

Line 1	Claim No.	4
Line 2	Musical Composition	We Will Rock You
Line 3	Writer(s)	Brian May
Line 4	Publisher Plaintiff(s)	Beechwood Music Corporation
Line 5	Date(s) of Registration	11/18/77 1/30/78 7/16/79
Line 6	Registration No(s).	Eu 846121 PA 107 PA 39-056
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---

Line 1	Claim No.	5
Line 2	Musical Composition	Wonder Of You a/k/a The Wonder Of You
Line 3	Writer(s)	Baker Knight
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.
Line 5	Date(s) of Registration	1/21/86 5/5/58
Line 6	Registration No(s).	RE 280-201 Eu 522857
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---



Line 1	Claim No.	6
Line 2	Musical Composition	You Can't Hurry Love
Line 3	Writer(s)	Eddie Holland; Lamont Dozier; Brian Holland
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	6/14/65
Line 6	Registration No(s).	Ep 203453
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---

Line 1	Claim No.	7
Line 2	Musical Composition	Gypsys, Tramps And Thieves
Line 3	Writer(s)	Robert Stone
Line 4	Publisher Plaintiff(s)	Careers-BMG Music Publishing, Inc.
Line 5	Date(s) of Registration	8/6/71          12/21/71
Line 6	Registration No(s).	Ep 293637      Eu 271991
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---

Line 1	Claim No.	8
Line 2	Musical Composition	Dani California
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	6/1/06
Line 6	Registration No(s).	PA 1-334-481
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---

Line 1	Claim No.	9
Line 2	Musical Composition	Rehab
Line 3	Writer(s)	Amy Winehouse
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.
Line 5	Date(s) of Registration	3/15/07
Line 6	Registration No(s).	PA 1-167-207
Line 7	Date(s) of Infringement	4/6/2015
Line 8	Place of Infringement	Dugout South

---